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November 5, 2004

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**COMPANY:** U.S. Patent and Trademark Office  
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**FROM:** Christopher R. Hilberg  
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**RE:** Serial No. 09/387,654  
Attorney Docket No. 60021-327501

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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Michel K. Bowman-Amuah

Examiner: Michael J. Fisher

Ser. #: 09/387,654

Art Unit: 3629


Filed: August 31, 1999

Atty. Docket #: 060021-327501  
(AND1P275)For: SYSTEM AND METHOD FOR  
TRANSACTION SERVICES  
PATTERNS IN A NETCENTRIC  
ENVIRONMENT

## CERTIFICATE OF TRANSMISSION

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## REQUEST FOR RECONSIDERATION OF FINALITY OF REJECTION

Dear Sir:

This paper is responsive to the final Office Action dated September 1, 2004. Applicant hereby requests reconsideration of the finality of the same in accordance with MPEP § 706.07(c) and that the finality of the rejection be withdrawn in accordance with MPEP § 706.07(d).

(a) *Background*

On October 8, 2003, Examiner issued a non-final Office Action rejecting all pending claims, 1-18, under 35 U.S.C. § 103 as being unpatentable over Grewal et al. (U.S. Patent No. 5,592,672). Examiner also rejected claims 13-18 under 35 U.S.C. § 101 for lack of utility and under 35 U.S.C. § 112, first paragraph, for lack of enablement. Examiner further rejected claims 1-6 under 35 U.S.C. § 112, second paragraph, as being indefinite.

On January 8, 2004, Applicant filed an Amendment and Response to Office Action, amending the claims and arguing against the various 35 U.S.C. §§ 101, 112, and 103 rejections.

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On March 29, 2004, Examiner issued a final Office Action removing the 35 U.S.C. §§ 101 and 112 rejections, and adding a new reference to the 35 U.S.C. § 103 rejection, Nordstrom et al. (U.S. Patent No. 6,085,277).

On May 6, 2004, Applicant filed a Request for Reconsideration of Finality of Rejection under MPEP § 706.07(c). Applicant asserted that because no new subject matter had been added to the claims, Applicant's amendment had not necessitated the new ground of rejection. Applicant anticipated that the finality of the rejection would be withdrawn, and the rejection of March 29, 2004 would merely be made non-final.

On September 1, 2004, rather than making the previous rejection non-final, Examiner issued another final Office Action, reincorporating all of the rejections of the Office Action issued on October 8, 2003. It appears that the rejections in the September 1, 2004 final Office Action are identical to those in the October 8, 2003 non-final Office Action.

(b) *Arguments*

The September 1, 2004 final Office Action does not address or rebut Applicant's arguments from the January 8, 2004 Amendment. Rather, Examiner merely asserts "Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection." However, there is no new ground of rejection in the September 1, 2004 Office Action; these rejections are identical to those of the October 8, 2003 non-final Office Action.

Moreover, the September 1, 2004 final Office Action indicates that, "Applicant's amendment necessitated the new ground(s) of rejection presented in this Office Action. Accordingly, this action is made final." However, not only was no new ground of rejection actually provided, but as demonstrated in the May 6, 2004 Request for Reconsideration of Finality of Rejection, Applicant's Amendment of January 8, 2004 did not introduce any new subject matter and therefore did not necessitate any new ground of rejection.

As a result this scenario, the rejections in the current final Office Action are identical to the rejections in the earlier non-final Office Action. Nonetheless, Applicant's arguments in the January 8, 2004 Amendment, which were responsive to those rejections, have never been addressed or responded to. None of the Office Actions "include a rebuttal of any arguments raised in the applicant's reply" or clearly develop the grounds of rejection "to such an extent that applicant may readily judge the advisability of an appeal" as required by MPEP § 706.07.

Accordingly, the current Office Action has failed to establish a valid final rejection, and Applicant respectfully requests concession to the arguments of the January 8, 2004 Amendment and

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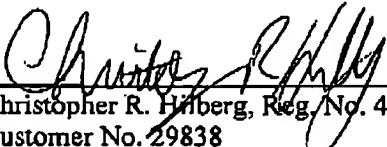
removal of the finality of the rejection in accordance with MPEP § 706.07(d), or at least a rebuttal to Applicant's arguments in a new final Office Action so that "applicant may readily judge the advisability of an appeal."

### CONCLUSION

For at least the foregoing reasons, Applicant asserts that the final rejection of the Office Action dated September 1, 2004 was premature and respectfully requests that the finality of the rejection be withdrawn in accordance with MPEP § 706.07(d). In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (612) 607-7386. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees including fees for any extension of time, to Deposit Account No. 50-1901 (Reference 60021-327501).

Respectfully submitted,

By

  
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